



Appeal Decision

Site Visit made on 6 September 2021

by E Brownless BA (Hons) Solicitor (non-practising)

an Inspector appointed by the Secretary of State

Decision date: 18 October 2021

Appeal Ref: APP/Q0505/D/21/3275170

46 Kimberley Road, Cambridge, CB4 1HH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Joe Lewis against the decision of Cambridge City Council.
 - The application Ref: 21/00926/HFUL, dated 28 February 2021, was refused by notice dated 14 May 2021.
 - The development proposed is a ground floor rear extension and dormer roof extension.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. A revised National Planning Policy Framework (the Framework) was published on the 20 July 2021 and the parties have been provided an opportunity to comment on the implications of this for their case.

Main Issues

3. The main issues are:-
 - i) whether the proposed development would preserve or enhance the character or appearance of the De Freville Conservation Area; and
 - ii) the effect of the proposed development on the living conditions of neighbouring occupiers at 48 Kimberley Road with regard to outlook.

Reasons

Character and appearance

4. The De Freville Conservation Area (CA) is a predominantly residential area characterised by circa 19th century two-storey terraces and semi-detached dwellings constructed of buff brick with red brick dressings, slate roofs and natural stone effect lintels and bays. Kimberley Road is composed of two rows of dwellings arranged in groups of short terraces and semi-detached dwellings that are a similar type, design, scale and materials with consistent ridge and eaves heights. Properties are set back from the highway with modest garden areas to their front. Despite some evidence of alterations to dwellings within the area, these alterations are relatively minor and overall, the dwellings retain a pleasantly cohesive and uniform appearance.
5. The appeal site consists of a mid-terrace dwelling positioned partway along Kimberley Road. Given that it shares the common characteristics of the area, I

find that the appeal dwelling makes a positive contribution to the significance of the heritage asset.

6. The proposed outrigger extension would extend upwards to roughly the same height as the attached outrigger of the neighbouring property and it would mirror its roofline. The Council confirm that the principle of extending the outrigger upwards is acceptable. Having regard to a number of similar outrigger extensions within the locality, I see no reason to take a different view. Nevertheless, it would not extend for the full depth of the outrigger. As a result, this would appear as an incongruous addition to the host dwelling thus unbalancing the appearance of the property and No 44 when viewed from the rear. I do not share the appellant's view that the proposed set-back position behind the historic brick line would reflect the original fabric and character of the host dwelling.
7. Furthermore, the use of a palette of materials that are more commonly utilised in alterations to the roof slope would serve to increase the proposal's prominence and incongruity and overall, the appeal scheme would appear as a strident, dominant and inharmonious addition to the host dwelling.
8. The inclusion of almost full height glazing within the proposed box roof dormer would be overly large and uncharacteristic of the host dwelling and the surrounding properties. As a result, the appeal scheme would fail to complement the form and style of No 46 and other dwellings along this side of Kimberley Road.
9. Albeit the appeal scheme would be largely hidden from public vantage points, it would remain readily visible from a number of nearby properties including their gardens. The eye would be naturally drawn to the proposed development which would appear visually jarring and a discordant addition to the host dwelling and the surrounding area.
10. It is suggested by the Council that the box roof dormer would be contrary to the guidance of the Roof Extensions Design Guide. However, no detail regarding the conflict with this guidance has been specified.
11. Nevertheless, it follows from my findings above that the proposal would erode the established character of the CA and therefore it fails to preserve the heritage asset. Thus, it would conflict with the provisions of Policy 61 of the Cambridge Local Plan (2018)(LP) which seeks to ensure that new development conserves or enhances the historic environment through, among other things, an appropriate scale, form, height, massing, alignment and detailed design which will contribute to local distinctiveness, complement the built form and scale of heritage assets and respects the character, appearance and setting of the locality.
12. The harm identified would amount to "less than substantial harm", and in the context of paragraph 202 of the Framework, it requires such harm to be balanced against the public benefits of the proposal. Whilst the appellant's desire to improve the standard of accommodation to provide additional family living space is noted, this benefit is of a private nature rather than a public benefit.
13. The Framework advises that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance.

Paragraph 199 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Accordingly, I find that there would be insufficient public benefit to outweigh the identified harm to which I attribute great weight. I therefore conclude the proposed development would also fail to comply with national policy outlined in section 16 of the Framework.

Living conditions

14. The outlook from the ground floor windows to 48 Kimberley Road is already towards a substantial close boarded wooden fence and above that, the side elevation to the existing single storey timber and glazed lean-to type extension which partly fills the gap between the two-storey outrigger and the common boundary with No 48. There are a number of ground floor windows to the rear of No 48. However, there is limited evidence before me as to the nature of the rooms that are served by these windows. By reason of the modest sized footprint of the property, it appears reasonably likely that a habitable room will be served by one such window.
15. The proposed single storey extension would sit right on the shared boundary with No 48. It would extend to a height of approximately 3.1 metres, taking the Council's measurements, which have not been disputed by the appellant. Notwithstanding that the existing extension is already visible above the existing boundary treatment, the proposed flank wall would extend for a greater distance beyond the depth of the existing extension. The use of a solid external material and the inclusion of a flat roof would add to the overall mass of the proposal and, I consider that in this case the combined depth, height, materials and proximity of the proposed rear extension to the neighbouring property's habitable windows would overwhelm and appear unacceptably dominant and overbearing to the occupiers of No 48. This would be unduly harmful to their outlook and materially compromise their living conditions.
16. For the above reasons, there would be conflict with LP Policies 55 and 58 insofar as these policies require high quality development that does not unacceptably visually dominate neighbouring properties.

Other Matters

17. Reference is made to a similar ground floor "wrap around" development at 12 Pretoria Road and a recently approved scheme at No 48. However, I have not been provided with any substantive evidence regarding these matters. At the time of my site visit, I observed that there was no single storey extension present or under construction at the neighbouring dwelling. It is the appellant's case that there are several L-shaped roof extensions. However, there is little information relating to the particular circumstances of these developments and it is not clear to me whether their circumstances are therefore comparable to the appeal scheme. As such, a comparison is of limited relevance in this instance. I have considered the appeal before me on its individual planning merits. I am advised that the extension at 28 Kimberley Road was approved under a previous Local Plan. Moreover, whilst I observed there to be a number of alterations to the rear of properties along Kimberley Road and De Freville Avenue, L-shaped outrigger/roof extensions that do not extend for the full depth of the outrigger and are constructed of the materials proposed, are not commonplace. A very limited presence does not justify poor design in this instance.

18. I accept that the appeal scheme would improve the standard of accommodation to provide additional living space for the appellant's family. In addition, the appellant suggests that the use of an alternative exterior material would incur additional financial expense to the scheme. However, personal circumstances can seldom outweigh general planning considerations and do not outweigh the harm I have identified above.
19. The absence of a formal objection by the occupiers of 48 Kimberley Road to the height and mass of the proposed ground floor extension is noted. However, this does not alter my findings and decision.
20. The appeal scheme would introduce a living roof and it would improve the energy efficiency of the property. These are modest benefits of the appeal scheme that contribute towards the environmental aims of the Framework.

Conclusion

21. For the reasons given above, I find that the proposed development would conflict with the development plan and the material considerations in this case do not outweigh this conflict. I therefore conclude that the appeal is dismissed.

E Brownless

INSPECTOR